

### **REMARKS**

Applicants respectfully request reconsideration of this application in view of the foregoing amendment and following remarks.

#### **Status of the Claims**

Claims 1-212 are pending in this application. Claims 32-67 and 130-212 are withdrawn from consideration, i.e., claims 1-31 and 68-129 remain under consideration. Claims 1-31 and 68-129 stand rejected. By this amendment, independent claims 1, 29-31, 68, 96-99 and 127-129 are amended. No new matter has been introduced by this amendment.

#### **Rejection under 35 U.S.C. §§ 102 and 103**

Claims 1-4, 6-31, 68-74, 76-102 and 104-129 have been rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,192,340 to Abecassis ("Abecassis"). Claims 5, 75 and 103 have been rejected under 35 U.S.C. §103(a) as allegedly being obvious over Abecassis.

In the *Response to Arguments* section of the Final Office Action, the Examiner indicates, *inter alia*, "First, applicants distinguish between 'broadcasters' and 'users' as actors. This distinction is not claimed, but appears to go to the heart of the instant invention ... the reference anticipates that any given actor or station can be both a broadcaster and a user." The Examiner further indicates that "[t]he teaching is to receiving *informational items*, which reads on supplemental digital data, and interleaving that with items from the audio library, which can be a variety of data including a broadcast signal (col. 2, lines 36-53, especially lines 51-53). Interleaving is explained at col. 21, lines 4-17."

First of all, considering the pending claims as written and the teachings in the specification, Applicants believe that one of ordinary skilled in the art would understand that the

coordination operation of the present invention is inherently performed by a service provider, i.e., other than the broadcaster and the listener. For example, claim 1 recites, *inter alia*, "A method for coordinating transmission of supplemental digital data transmitted to at least a listener with broadcast data by at least one broadcaster, the method comprising: receiving schedule information for at least one broadcaster... transmitting at least a portion of the supplemental digital data to the at least one broadcaster ..."

Secondly, while it appears that the Examiner equates the "interleaving" operation of Abecassis to the "transmission" operation of the present invention which requires that the transmission of the supplemental digital data is performed using a separate channel.

As is explained in Abecassis, the interleaving operation is an alternating operation to arrange a playing of an information item to be "in-between a playing of two musical items." See, e.g., col. 21, lines 4-17 of Abecassis. As Applicants understand it, an alternating insertion of the information in-between a playing of two musical items is different from transmitting data in a separate stream as claimed. For example, the interleaving operation is performed using a single channel while the transmitting data in a separate stream requires a separate channel. As Applicants explained in the previously submitted Amendment on October 2, 2007, the present invention utilizes the Digital Audio Broadcasting (DAB) technology such as In-Band On-Channel (IBOC) to transmit the supplemental digital data in a separate stream separated from the broadcasted data on a different channel.

Accordingly, Applicants believe that the present invention as featured in each of independent claims 1, 29-31, 68, 96-99 and 127-129 is believed neither anticipated by nor rendered obvious in view of the cited reference (i.e., Abecassis), for at least the reasons discussed above.

Nonetheless, independent claims 1, 29-31, 68, 96-99 and 127-129 have been amended for further clarification. In particular, amended claim 1 recites, *inter alia*, "A method for coordinating transmissions of supplemental digital data by a service provider ... transmitting ... in a separate channel ... wherein the separate channel for the supplemental digital data is configured to transmit the supplemental digital data simultaneously with the channel for the broadcast data." Other independent claims (i.e., claims 29-31, 68, 96-99 and 127-129) are amended in a similar manner to claim 1 as described herein.

With the features of the present invention, the intelligence of the content management to schedule the supplemental digital data is determined by the service provider, i.e., users do not get to decide when audio is played and when supplemental data will be delivered which is the case in Abecassis' audio-on-demand system. Also, in the present invention, the timing of events and the user experience is defined based on the individual broadcast schedules of each of the broadcasters in the network by the service provider. In other words, the service provider, upon receiving the broadcast schedule from the broadcaster, "identifies" the broadcast data, and "determines" the supplemental digital data to be transmitted to the listener by the broadcaster.

Applicants believe that Abecassis fails to show suggest these teachings of the present invention discussed above and amended claims 1, 29-31, 68, 96-99 and 127-129 further distinguish over the cited reference.

Reconsideration and withdrawal of the rejections of claims 1, 29-31, 68, 96-99 and 127-129 under 35 U.S.C. §102(e) is respectfully requested.

Applicants have chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. However, these statements should not be regarded in any way as admissions that the cited documents are, in fact,

prior art. Also, Applicants have not individually addressed the rejections of the dependent claims because Applicants submit that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicants however reserve the right to address such rejections of the dependent claims should such be necessary.

Applicants believe that the application as amended is in condition for allowance and such action is respectfully requested.

**AUTHORIZATION**

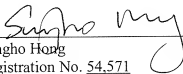
No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicant hereby petitions the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 4232-4002). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,  
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Dated: January 15, 2008

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**AUTHORIZATION**

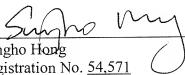
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